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The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna"

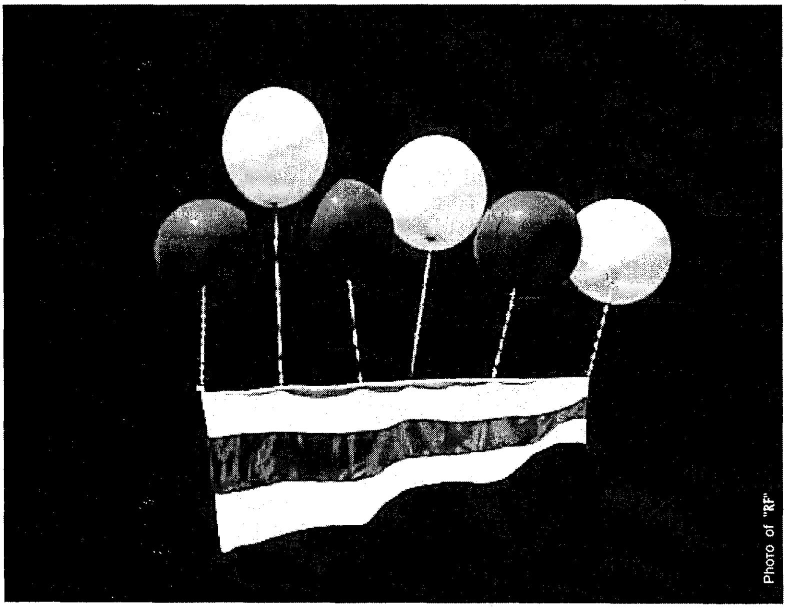


Photo of "RF"

WE STRIVE FOR CHANGES!

The year which has been full of change and hallmark events, the year 2000, is over and gone for good. Eventful as it has been for humanity, for every single person living on the Earth, little change has it brought onto the territory of Belarus. It's common understanding that the word "changes" usually stands for some improvement in the situation, however in Belarus changes, if there were any, had a distinctly deteriorative nature. Lukashenka's regime got stronger, in 2000 it took full control over the Parliament which now enjoys neither rights and powers nor acknowledgement on the part of the democratic world and thus is as illegitimate as Lukashenka himself. The country continued on its way to the economic abyss – the crisis got a firm hold of the entire economy. The living standards suffered another setback, though last year the situation seemed to reach the climax. The political isolation of Belarus strengthened – in fact, it's Russia, some CIS countries and totalitarian regimes of Iraq, Cuba, North Korea and Libya that continue to have dealings with the dictatorship.

The human rights situation took a turn for the worse. The authorities didn't even allow its citizens to commemorate the anniversary of the adoption of the Universal Declaration of Human Rights. Meetings, demonstrations, pickets and other opposition-led events were treated in accordance with the "tradition" established by Lukashenka: they all ended in arrests and detentions. On 25 April the Miensk authorities started a real hunt for the "Freedom Day" event participants. More than 500 were arrested! Among them were foreign nationals enjoying diplomatic immunity, human rights activists and 36 journalists representing the mass-media based in Belarus. The Miensk centre resembled an occupied city: policemen who lined Skaryna Avenue were separated from each other by a distance of 10-12 metres, in the courtyards there were armoured personnel carriers... The 12 November youth event "We Want Changes" led to 112 arrests, most of the detained were minors. That evening the only criterion held as a valid reason for arresting a person was their young age, as a result many incidental people found themselves first on the buses which had in advance been prepared by the special police squad and later in juvenile detention-centres.

The Parliamentary Election in Belarus was held in conformity with the Electoral Code which the international community had acknowledged undemocratic. The opposition parties decided to boycott the farce organised by Lukashenka. More than 200 people were persecuted for taking part in the boycott campaign. The Electoral Code has no penalty for calling to boycott. However, the authorities guided by Art. 167.3 of the Code of Administrative Infringements of the Republic of Belarus, detained people who did the boycott campaigning. All over Belarus arrests and trials continued till the election day – 15 October and even afterwards. The authorities deliberately dragged their feet on the publishing of

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CHRONICLE

On 4 January **the Chyhunachny District Court of Vitsiebsk had a final consideration of the administrative materials witnessing the participation of the UCP members Aliena Zalieskaya, Siarhei Vasienka, Dzmitry Muski and Anatol Zakharaw in the 10 December unauthorised picket. They faced charges by the terms of Art. 167.1 and Art. 167.2 of the CAI of the RB and Judge Sviatlana Tufan decided on the following penalties:**

1. *A. Zalieskaya* - a fine of 150 minimal salaries;

2. *S. Vasienka* – a fine of 150 minimal salaries;

3. *Dz. Muski* – a warning;

4. *A. Zakharaw* – a warning.

5 January: **the Leninski District Court of Brest issued summonses to the participants of the 10 December picket. These were Uladzimir Vialichkin, Yawhien Bialasin, Siarzhuk Bakhun, Alieh Dydyshka and Kiryla Danko. They were accused of violating Art. 167-1.1, Art. 167-1.2 and Art. 166 of the CAI of the RB. On the New Year Eve Mr. Bialasin and Mr. Bakhun were asked by police officers to put their signatures under the administrative violation report that was not drawn up during their detention and the 24 hour confinement in the detention ward of the Leninski DDIA of Brest. The trial over the participants of the event devoted to the anniversary of the adoption of the Universal Declaration of Human Rights is scheduled to take place at the Leninski district Court of Brest at 14.30 on 9 January 2001.**

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"Viasna" Warned Once Again

On 27 December the Public Association "Human Rights Centre "Viasna" received a repeated written warning signed by M. Sukhinin, Head of the Public Associations Department of the Ministry of Justice.

The warning said: "On 26 October 2000 the Ministry of Justice of the Republic of Belarus issued to the Governing Organ of the Public Association "Viasna" a written warning. However, the Ministry of Justice has so far received no information. We propose that within two weeks HRC "Viasna" provide an appropriate report of the measures taken to eliminate the violations of the acting legislation as well as of the Charter of the abovementioned association..."

The PA HRC "Viasna" confirms that an appropriate response to the 26 October warning was sent to the Ministry of Justice within the indicated term; however, the reason why the Ministry of Justice failed to receive it cannot be explained.

The document received by the PA HRC "Viasna" also says: "Additionally, we caution that if the written warning is not paid attention to and the warned against violations recur during the year, the liquidation of the association may be raised as a possibility. The absence of the response gives grounds for considering the dissolution of the Public Association".

The HRC "Viasna" is set to highlight the reasons why their response was not received by the Ministry of Justice and also defend their right to exist and carry on with the activities.

Not Late to Go Back on the Verdict

On 9 January law enforcement officers sealed part of the equipment of the printer "Magic"



The court ruled that the equipment of the publishing company "Magic" is to cover the indebtedness of the Belarusian Soros Foundation which is estimated to be USD 78,000. "The way the authorities are treating the private printer that publishes more than 20 independent periodicals (among which are such famous papers as "Narodnaya volia", "Belorusskaya delovaya gazeta", "Nasha Svaboda", "Rabochy") poses a threat not only to the very existence of "Magic" but also to a number of other few non-state printers. Any of them may at any moment face the danger of losing the license. It is apparent that before the coming presidential election the authorities have launched a large-scale and all-embracing campaign aimed at getting under total control all the public organisations, first of all, the mass media as well as the technical services that maintain the mass media activities", - states the Belarusian Association of Journalists.

On 11 January the Belarusian Association of Journalists held in Miensk a press-conference devoted to what had happened to the private printer "Magic". Yury Budzko, Director of "Magic", Iosif Siaredzich and Pavel Zhuk, Editors-in-Chief of "Narodnaya Volia" and "Nasha Svaboda", respectively, took part in the press-conference.

An excerpt from Yury Budzko's speech: "On 9 January the law enforcement officers came to "Magic" and sealed the equipment. When I asked them : "Why are you doing this?", they said: "We don't know. All we have is the order to seal it". What needs to be added here is that one officer kept leaping out into the corridor to have a consultation with someone over the cellular phone. As a result, the firm "Magic" only has one press working which is printing all the twenty papers. But we have no opportunity to produce polygraphic plates. We are made to have them produced elsewhere. The situation is like this: we continue publishing the newspapers, but we are finding it more and more difficult to do. First, we are suffering additional financial losses and, at the same time, we cannot increase the printing prices for papers. Provided things keep going this direction for another few months, the firm may well go to the wall. The publishing of independent papers hangs "in the balance"... At any moment we may suffer a breakdown, though the press will be working round the hour. But we are planning to defend our rights. We see a great number of violations committed by the Fiscal Inspectorate".

An excerpt from Paviel Zhuk's speech: "I think that money and judicial matters cannot be viewed as the sole reason for the authorities acting this way. This is just a method of putting an end to the independent press. The authorities are getting ready for the election. I have unambiguous information about the unofficial order to the State Printing Committee to suspend the publishing of papers at every private printer, to take full control of the presses that may print large circulations. The actions that the authorities are currently embarking on are simply a method of eliminating independent papers. The first printer "stabbed" was "Magic" – the one that does the publishing of most independent periodicals".

An excerpt from Iosif Siaredzich's speech: "It is apparent that the independent press is being squeezed out of Belarus. This is just another stupidity of the authorities who forget the boomerang effect. You remember that our independent newspapers have already been in "emigration" twice, the neighbouring countries agreeing to accommodate the "exiles". Among them was "Narodnaya volia". If the printer "Magic" is again closed down, which has already been done once, we'll have for the third time to emigrate to Lithuania. But the authorities forget that the technical processes have undergone great changes. Today we'll be able not only to pass the circulations of "Narodnaya volia" across the border but also, if the border is closed, we'll manage to deliver the paper using "guerrilla paths". There are other channels of which the authorities have no idea whatsoever... I believe this is a barbarity to welcome the third millennium in a European country in this manner. The authorities must change their verdict! There must be sensible people in the power structures!"

Prepared by Palina STSEPANIENKA.

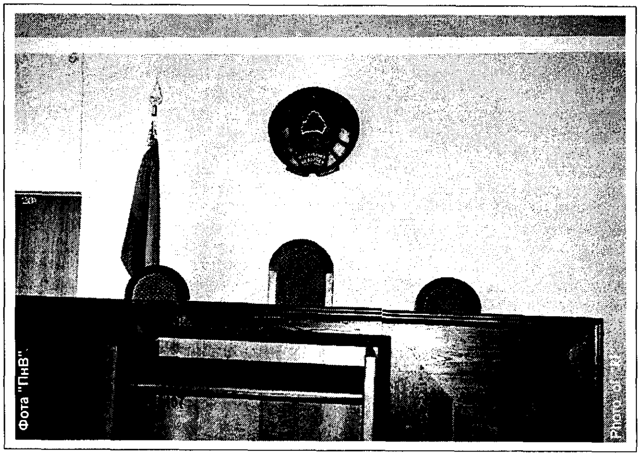
New Legislation, Old Human Rights Problems

On 1 January 2001 the appropriate Belarusian laws introduced three new codes of the Republic of Belarus: the Criminal Code, the Criminal Code of Practice and the Criminal Code of Execution. In their comments the drafters of the new codes point out the significant democratisation of the criminal legislation and the criminal practices legislation which regularises the order of the court verdicts execution. Aliaxandr Lukashenka, who, according to every little sign, has already launched his election campaign, has been very positive of the adopted Criminal Code and has referred to it as more humane and lax as compared with the previous one and almost the best in Europe. But is that all true? It's worthwhile to mark that the new Criminal Code of the Republic of Belarus was adopted and confirmed by the National Assembly back in July 1999. Both the Criminal Code of Practice and the Criminal Code were planned to come into force on 1 January 2000. However, the enforcement of the laws was postponed by a year. It was only the beginning of 2001 that the new legislation was finally enforced, the numerous appeals of the procurators, judges and the Ministry of the Interior were ignored because it was A. Lukashenka himself who expedited the implementation of the new legislation.

The new Code and the former one: a review of differences

The new Code extends the system of penalties which courts use to punish the convicts. So, by the terms of Art.48 of the Code, such new punishments are introduced as community work, freedom restriction, arrest (the introduction of the latter dates back to 1997, but it has never been used as a sanction). The longest term of imprisonment is fixed at 25 years and, as the alternative to capital punishment, life imprisonment is introduced. As regards capital punishment, it is used by the terms of Art.59 of the Code as "an exceptional punishment" for premeditated and aggravated homicide. As earlier, capital punishment is not to be inflicted upon minors and women. What is novel in the Article is that *it introduces the upper age limit: 65 year old men will not be executed any longer.*

The special part of the new Code begins with the chapter entitled "Crimes against the World, the Security of Humanity and Army Crimes", while the former began with the State Crimes. The Code introduces new types of offences: such as ecocide, genocide, international terrorism, recruiting, training and using mercenaries, the mercenary practice, violation of the war laws and traditions. The chapter "Crimes against Human Beings" is expanded through such articles as the violation of the transplantation order, the obtainment of transplant organs or tissues under *coercion*. As regards *sanctions*, they have really been softened in a number of articles. In the first place, it concerns cases of misfeasance in office, theft of property belonging to legal persons, economic crimes. The relaxation of the sanctions in the new Code will release several thousands of convicts which is good for those who'll stay in or get to overcrowded Belarusian prisons.



What is new in the Articles most often used by the regime against its political opponents

It is known that the former Code did *not have any political articles*, but a number of people convicted for their political activities, their beliefs has reached several dozens. All of them were prosecuted, and some convicted, by the terms of various articles of the Criminal Code. The articles most often used were "disorderly conduct" or "organisation and active participation in the group events that blatantly violate public order" (Yu. Khadyka, V. Siwchyk, P. Sieviarynets, A. Shydlowski, V. Labkovitch, V. Kabanchuk, A. Mukhin, V. Shchukin and others). Other opposition leaders were convicted by the terms of the economic articles (U. Kudzinaw, A. Klimaw, M. Chyhir). Whatever means the authorities used to disguise their true intentions, *all* these people were recognised prisoners of conscience not only by the Belarusian human rights activists but also by the international human rights organisations. The point is that the sanctions of these article have not been relaxed and some have even been toughened. So, former Article 201.1 (disorderly conduct) provided for one year of imprisonment or a year of correctional labour, Article 339 of the new Code provides for up to two years, Part 2, respectively, 6 years of imprisonment – earlier it was 5. Both parts provide for 6 months of arrest as a penalty. We must remind that the actions of A. Shydlowski, V. Labkovitch, P. Seviaryniets were qualified as disorderly conduct aggravated by "extraordinary impudence and cynicism". Former Article 186.3, now Art. 342 of the CC of the RB (organisation of events which blatantly disrupt public order or active participation in them) has not changed as regards the sanction of imprisonment (3 years *of imprisonment*), *but it provides for a 6* month arrest or freedom restriction up to three years.

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New Legislation, Old Human Rights Problems

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Many of the opposition-led events after they had been dispersed were qualified as "mass events which blatantly disrupt public order". The new Code introduces another two articles which may concern both opposition people and independent periodicals. This is Art. 367 (slander concerning President of the RB) and Art. 368 of the CC of the RB (insult to the President of the RB). Either article, by the way, provides for 2 years of imprisonment. This is in contradiction with the principles practised in Europe. Once in Austria a scandal broke out after a journalist had called a prominent politician a "fool". The journalist was fined but he took his case to the European Court on Human Rights which decided to repeal the penalty. The verdict said that a journalist is not a psychiatrist and his conclusion is not a diagnosis; one of the reasons why a politician is considered to be a public person is that he sometimes has to listen to unpleasant things coming his way. Moreover, the Codes of the Western European countries do not have norms like the Belarusian Code has. The same concerns the Criminal Code of our neighbours, Poland, for instance.

Thus, the new Criminal Code does not provide for any relaxation for opposition leaders and activists.

The Criminal Code of Practice: Innovations

The practising lawyers seem to be rather critical of the new Criminal Code of Practice. Though, it does introduce some new, progressive norms, it still remains even more strict than the previous one, it places significant restrictions on the rights of a defendant and the defence possibilities. The first thing that should be mentioned in this regard is that Lukashenka crossed out from the Criminal Code of Practice the chapter which provided for a jury trial. In 1992 when it became necessary to reform the Belarusian court system, a jury trial was thought of as a necessity. However, all of these measures were not implemented and the introduction of a jury trial was postponed till 2015. It's understandable why the authorities are not willing to have a jury trial in place while once it is there they will lose some of their power to influence and control the "independent" branch of the government. Neither does the new Code introduce the order of appealing against sentences.

Another important mention to be made is that by the terms of Art. 44 of the CCP the rights of a person in court may only be represented by lawyers appointed by the fact-finding body; or there is another option – a suspect or a defendant makes a formal statement requiring his relatives or his legal proxies to defend the case. Thus, the new Code has no provisions enabling public defence lawyers to do the defence. This contradicts Art. 62 of the Belarusian Constitution which says that every person has the right to legal advice ensuring that their rights and freedoms are respected, they also have the right to employ a lawyer or seek assistance of any other person willing to represent their interests. If we take into consideration the fact that in 1997 the authorities abolished the institute of independent lawyers and thus gained access to the efficient methods of influencing them to their advantage, we may arrive at the conclusion that the situation like this may result in fundamental legal rights being infringed. A person cannot ask a human rights organisation lawyer to defend their case. And another "novelty" that the code has is that a charge-sheet will be prepared by a procurator's office rather than by a fact-finding officer. However, some significant problems appear here while by the terms of Articles 260-265, after the investigation is over a defendant may only familiarise himself with the copies of the accusation statement and of the procurator's statement ordering the case to be taken to court. A defendant does not get the original of the accusation statement. That has a dramatic impact on a defendant's position and, in fact, deprives them of the possibility to do the defence, examine the arguments of the fact-finding body and the procurator's office and think of their own arguments before the hearing starts.

When a court finds it necessary to change the wording of the charge-sheet, a court, at the request of the prosecution, announces a 10-day break to have a new charge-sheet drawn up. When a court considers the evidence insufficient, it takes the request of both parties involved to suspend the hearing, then the State's procurator is proposed to investigate the legal matter in question again. After the necessary fact-finding activity is carried out, the suspended hearing is resumed. By the terms of Art. 356 of the CCP of the RB, the court verdict may be either absolutory or condemning. As we see, a court is not allowed to initiate additional investigation. Given the current situation, it means that courts will render guilty verdicts even if some case evidence is not credible. The court rulings show that absolutory verdicts are rare in this country.

The Code is novel in the sense that it introduces some new deterrent norms such as bail and house arrest. As regards bail, it really is a progressive and democratic norm, however in Belarus it is not likely to be applied liberally. Bail is a sum of money by which a person is bound to take responsibility for the appearance in court of another person or himself, forfeited if the person fails to appear. A fact-finding body decides on the sum of money, taking account of the defendant's material status and the seriousness of the crime committed. The smallest amount of money allowed to be paid as bail should be 500 minimal salaries. Who, I wonder, can pay the money, given the current economic situation? House arrest is confinement to one's own home either round the hour or during the hours indicated, prohibition to use the telephone etc. This measure, though illegal at that time, was successfully imposed on T. Vinnikava, the former Chair of the National Bank.

Finally, a few words about some new penalties introduced by the new Criminal Code. First of all, arrest and freedom restriction. Arrest is holding a suspect in custody for a term of 1 to 6 months. Arrest is not imposed on persons under the age of 16, pregnant women, women and single men who have children under the age of 14 or handicapped children; handicapped persons of the first and second types of disability. In accordance with the new Criminal Code of Execution, arrests are enforced on the territory of a prison and the convicts are placed in special "arrest houses". The conditions of an arrestee's confinement are those of complete isolation: they are denied meetings, parcels (with the exception of parcels containing indispensables, clothing fitting the season). Arrestees are not allowed to go anywhere without a convoy. Minor convicts are allowed a 4 hour monthly meeting with their relations or foster parents. Convicts have the right to a daily walk (not less than 1 hour; minor convicts – not less than 1.5 hour). Convicts who disrupt the accepted routine may be placed in an isolation ward for up to 10 days.

It's still a question where the "arrest houses" will be arranged. The rumours are that special receiving penitentiary centres will be rebuilt to function as "arrest houses". I have the first-hand experience of what the conditions there are like and I have a fairly good idea of how horrible it is having to spend there some 6 months, even with an hour daily walk. Almost every article of the CC of the RB contains an arrest sanction.

Freedom restriction is obligatory monitored work in a non-penitentiary establishment designated by the Ministry of Internal Affairs. That's what during the Soviet time was known as "chemistry". Freedom restriction may be imposed on a person for a term of up to 5 years.

V. STEFANOVITCH.

SOFIA PAGSLY: "THE SITUATION IN BELARUS IS DIFFICULT..."

The year 2000 has brought to the Belarusian media countless ordeals like mass arrests before the Freedom Day (March 25), night-time thefts from editorial offices and the disappearance of the information from computers, unknown people beating up journalists, confiscation of newspaper circulations, blank pages in newspaper issues, independent periodicals having to cut their circulation. That the right to the freedom of speech is being violated in Belarus is wide known far beyond the country's frontiers. That is the reason why international observers come to Belarus to monitor the situation.

Sofia Pagsly came to Belarus as an international observer, she is a worker of the International Centre against Censorship "Article 19". Ms. Pagsly visited the Human Rights Centre "Viasna" and spoke there about her organisation:

"The major goal of the International Centre against Censorship "Article 19" is to collect information and draw up reports that are later distributed among international organisations including the UNO. The headquarters of "Article 19" are based in London. We deal with problems of the freedom of speech in Europe, Africa and to some extent in Asia. We co-operate with organisations in Hungary, Romania, Ukraine, we also have a South African office employing 4 staff. Our organisation is not big – only 15 workers.

I will spend a year in Belarus keeping an eye on the freedom of speech and, in particular, of the press. Besides, it will be very interesting and useful to know what the PA HRC "Viasna" and other non-governmental organisations do.

But my chief objective here is to gather data on the violation the freedom of speech, especially in the regions, since we know very little about the situation in the Belarusian regions. We practically know nothing about what is happening there. That is why I am going to travel around Belarus and visit editorial offices of the regional independent newspapers. I will be attending trials and will be working in the Belarusian Association of Journalists. I give the necessary counselling to the BAJ – recommend the better ways of distributing information about speech freedom viola-ions among international organisations. And my further activity in Belarus depends on the situation.



Photo of "RF"

I am 25 and was born in England. My parents are scientists, the father teaches law at a university, the mother is an archaeologist, she is excavating in Turkey. I have two sisters and a brother. They are all university students. I am a philologist, first studied at the university in England and then did one year in Russia (in Voronezh and St. Petersburg), spent a year studying political science and law in Warsaw. I worked in Belgium. I have been working for "Article 19" since August 2000. According to my contract I was sent to Belarus. "Article 19" needed a person to deal with the situation in Belarus. And I thought: " Maybe it is interesting? Can I be this person?" Although at that time I practically knew nothing about Belarus. When I meet new people in Belarus, they ask me: "How do you like it here?" But I am not an easy person to surprise or alarm, I lived in Voronezh long enough. But it is obvious that the situation in Belarus is difficult. And people living in London can hardly imagine a situation like the one you have."

Prepared by
Palina STSIEPANIENKA.

WIFE OF ACCUSED DENIED RIGHT TO DEFEND SPOUSE

THE GENERAL PROCURATOR'S OFFICE OF THE REPUBLIC OF BELARUS DID NOT PERMIT THE WIFE OF ULADZIMIR RAUKOW, THE FORMER DEPUTY RECTOR OF THE HOMIEL STATE MEDICAL INSTITUTE, TO APPEAR IN COURT AS HIS DEFENCE LAWYER

On 8 January Natalia Rawkova asked the Public Association "Viasna" to help her implement the legal right to defend her husband during the trial. Natalia Rawkova is the wife of Uladzimir Raukow, the former Deputy Rector of the Homiel State Medical Institute. It's 17 months already since he has been in custody on a charge of bribery. In her appeal to the PA HRC "Viasna" N. Rawkova says: " In the letter dated May 2000, by the terms of Art. 49 Part 3 of the CCP (Criminal Code of Practice) of the Republic of Belarus I asked the fact-finding officer to grant me permission to defend my husband's case. I was refused on the grounds of me not having any law education and, therefore, the right to act as a lawyer. After I had appealed to the General Procurator for several times I received a letter saying that in accordance with the Law of the Republic of Belarus "On Citizens' Claims" the General Procurator's Office would not correspond with me over this matter anymore. By the terms of Art. 62 of the Belarusian Constitution I disputed judicially the violation of my rights by an official – the fact-finding officer of the Procurator's Office of the Republic of Belarus.

On 20 November 2000 the Tsentralny District Court of Homiel passed a verdict against initiating the case. The motivation of the refusal was that Natalia Rawkova might not defend her husband's case since she had given evidence in the same court before. However, Natalia Rawkova says that she did not testify. Moreover, on 21 June 2000 she officially refused to give evidence, because by the terms of Art. 189 Part 4 of CCP of the Republic of Belarus, she has a right to do so "as a close relation".

By the terms of Art. 62 of the Constitution of the Republic of Belarus N.Rawkova has the right to represent her husband in court. Yulia Chyhir (the wife of Chyhir, the former Prime Minister) and Sviatlana Ulasava (the daughter of Vasil Liavonaw, the former Minister of Agriculture) used their right and appeared in court defending their relatives' cases.

Uladzimir Rawkow is now kept in the Republican Hospital of the Penalties Enforcement Committee, Ministry of Internal Affairs. His health has taken a turn for the worse, the reasons are, in his wife's opinion, the psychoactive substances used by fact-finding officers and the hunger-strike he was on in the remand prison. While in hospital U. Rawkow was not able to familiarise himself with the records. In the end, the materials were passed over to the court thus violating Art. 200 of the CPC of the Republic of Belarus. Uladzimir Rawkow's case will be considered by the Ambulatory Martial Judgeship of the Supreme court of the Republic of Belarus in Homiel on 13 February. According to the new Criminal Code of Practice, no more ampliation may be provided for. Now the judge has to give an unbiased judgement of the case and decide on the final decision.

Information Department
of the HRC "Viasna".

EVENTS FACTS COMMENTS

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From 1 till 5 January Belarusian tradesmen and small businessmen had a strike. More than 150,000 took part (around 90 pro cent of all the entrepreneurs working in the country). The demands were the same: the abolishment of the State Customs Committee resolution "On Customs Clearing of Merchandise" as regards tradesmen and retail dealers; amendments of the Presidential decree concerning the confiscation of businessmen's merchandise. The authorities did not pay attention to the strike, so the strike committee said that it was planning a new (now indefinite) strike of the businessmen.

In the night of 6 January the Vitsiebsk penitentiary for juvenile delinquents witnessed a rebellion of the convicts. It was brutally suppressed by the special police squad who had assaulted the barracks. One of the versions explaining why the disorder broke out was that some convicts had been placed into the isolation ward for smoking. The minor convicts had fortified one of the barracks and demanded that their comrades be released. Then the list of demands was expanded to include the abolishment of convoyed marching with obligatory singing, the permission to take the leftovers from the canteen, and, finally, the change of the prison administration... The special police squad used rubber truncheons and tear gas. Both sides suffered a number of casualties.

On 9 January the International Human Rights League sent Lukashenka a letter expressing its serious concern over the pressure applied to the PA HRC "Viasna". Katherine Fitspatrick, the Executive Director of the International human Rights League, argues that "the warnings issued by the Ministry of Justice are part of the campaign aimed at persecuting this organisation and a number of other human rights organisations of Belarus which openly and uncompromisingly defend human rights". Katherine Fitspatrick says to A . Lukashenka that "Belarus cannot be considered to be part of the European Community until the government does not take measures upholding and promoting fundamental rights", and calls upon the Belarusian authorities to stop the persecution of "Viasna" and some other human rights organisations.

On 9 January Hienadz Barbarych was summoned to the Miensk Procurator's Office to answer some questions connected with the publication of the article "Dzima – new hopes" in "Narodnaya volia" (dated 6 January 2001). The Procurator's Office workers wanted to know the sources through which the journalist had obtained the facts revealed in the article. The interrogation of the journalist was recorded. H. Barbarych was proposed to sign the "non-disclosure" document which would have required him not to reveal the investigation-related facts. However, the journalist refused the proposal point-blank.

On 9 January the Miensk City Court heard the complaint of ***Uladzimir Kishkurna*** and ruled that the 15 September 2000 administrative detention of Uladzimr Kishkurna carried out by the Tsentralny District DIA workers was illegal.

On 9 January the Leninski District Court of Brest was to have considered the case of those who were detained during the Human Rights Day on 10 December 2000. On that day the following people were arrested and taken to the detention ward: ***Ul. Vialichkin, Ya. Bialasin, K. Danko, S. Bakhun*** and ***A. Dydyshka***. The administrative reports were drawn up registering their violation of Art. 167-1 (unauthorised picketing) and Art. 166 of the CAI of the RB (failure to act in accordance with a legal order or the demand of a police officer). At the court hearing were Nadzeya Dudarava, the legal counsel of the OSCE ambassador to Belarus, and numerous mass-media representatives. However, the court hearing was rescheduled to take place on 12 January.

On 10 January Alies Razanaw, the famous Belarusian poet, left his homeland for Germany on the invitation of the International Parliament of Writers. On the eve of his departure Alies Razanaw gave an interview to Siarhei Shapran, a "Belorusskaya delovaya gazeta" correspondent. He said that poets leave "for long", "when a writer has no means to provide for himself. When a book written by him is not published for years". And also: "Lukashenka has not won, though he has not lost, either. During his rule he has humiliated Belarus, got our Independence subordinated to his unbalanced and hazardous aspirations... People are fatigued, too many disappointments and lost expectations". It's worth reminding that several prominent Belarusian litterateurs already live abroad. They are Vasil Bykaw (Germany), Uladzimir Niakliayew (Finland), Sviatlana Alieksiyevitch (Italy).

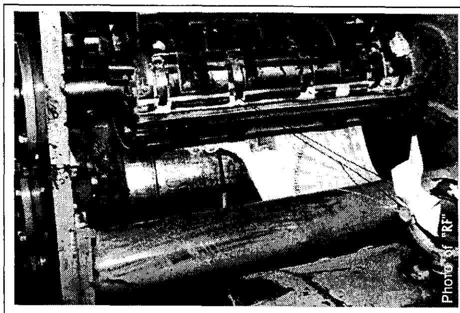
On 10 January the 18-month legal term of holding Zmitsier Abadowski (the son of Siarhei Abadowski, the famous Mahiliow human rights activist) in custody was over. Zmitsier was arrested on 10 July 1999. By the terms of Parts 2,4,6 of Art. 127 of the Criminal Code of Practice of the RB that went into effect on 1 January 2001, the prolongation of custody during the preliminary investigation is not allowed, the defendant should be released at once. Some other deterrent measure should be enforced as regards the defendant. I'd like to remind you that the Z. Abadowski case after it had been heard in court was ordered to be investigated again. Incidentally, the new Code does not provide for the "subtraction" from the overall term of custody of the time the court takes to consider the case, while it has no provision enabling a court "to initiate additional investigation". On 9 January S. Abadowski, father and defence lawyer of Z. Abadowski, lodged a petition requiring that his son be released not later than 10 January. I. I. Haradkow, the fact-finding officer heading the investigation, ruled that the petition be considered within 3 days which violates the legal terms of keeping a suspect in custody. The defence lawyer Siarhei Abadowski made a complaint to the Procurator of Mahiliow Region formulating the legal demands regarding the release of his son.

On 11 January in Miensk the Belarusian Association of Journalists held a press-conference devoted to the contingent closure of the private printer "Magic". Yury Budzko, the "Magic" director, Iosif Siaredzich and Paviel Zhuk, Editors-in-Chief of "Narodnaya volia" and "Nasha Svaboda", respectively.

On 12 January the Leninski District Court of Brest had a third hearing of the case of the citizens ***A. Dydyshka, K. Danko, U. Vialichkin, S. Bakhun, Ya. Bialasin.*** The courtroom was crowded. Since the witnesses called to court by the police did not appear, Judge A. Miraniuk postponed the consideration of the case till 15 January 2001. Journalists and Nadzeya Dudarava, legal counsel of the OSCE ambassador to Belarus, were in the courtroom.

On 12 January "Nasha Svaboda" published the medical comment on the mental health of A. Lukashenka. The psychotherapist Z. Shchyhielski made a diagnosis: "moderate mosaic-like psychopathy with the visible signs of paranoid and dyssocial disarrangement". A person with a diagnosis like this are not allowed to serve in the army even in peace time. On 15 January it became known that the Procurator's office took an interest in this publication and within a few days will decide on the measures to be taken against the editorial office of the paper.

Information Department, HRC "Viasna"



On 9 January *at 8 a.m. the Fiscal Inspectorate officers sealed the printing equipment of **the publishing company "Magic"**.*

She Never Looked For Easy Ways

On the last day of the XX century in Miensk the famous democratic movement activist Viera TSIERLIUKIEVITCH died of a serious disease...

The name was fitting her – Viera (Hope). This woman seemed to have so much willpower and life energy that several people of a younger age and of a completely destroyed inner world would not have been a match to her.

"The famous opposition activist", "a legend of the Miensk democratic resistance" – that was how the Belarusian independent press often called Viera Tsierliukievitch. Journalists admitted that they had frequently felt like noting down Viera Tsierliukievitch into a special pad – so witty was the language used by this woman. I recollect the first hearing of the case of Mikhail Chykhir, the former Prime-Minister. The city courtroom couldn't accommodate all those who were willing to watch the process. Policemen stood on the court porch as the judge complained to the people in the courtroom about the lack of seats adding that he was not allowed to solve that problem. "Well, then address the one who can solve the problem! Let Lukashenka order the Ice Palace to be rented. Or, still better, the circus: that surely is the best place for the trial over Chykhir!" - was the advice given from the last row to the judges and the policemen by Viera Tsierliukievitch.

I met her at a meeting in the hot Miensk spring of 1996. Viera Maksimawna was a very communicative and talkative person, did not find it hard starting conversations with passers-by. The same year after numerous detentions I remember seeing her take part in the opposition march. She was wearing a working man's outfit. A quilted jacket, a knitted hat, warm shoes... "I've got a ration on me! - said Viera Maksimawna as though answering my surprise. And she showed a small package: - this is bread and lard, they won't go bad in a cell. Let the authorities put me in prison if they want to! I am prepared". It turned out that a quilted jacket is a good thing to keep you warm on a cell bed in the receiving prison "Pryluki". According to Viera Tsierliukievitch, the day before she was made to retire from her job. Despite her pension age, she wanted to continue working at the tractor plant she had devoted years to. Viera told me half-jokingly: "I've got nothing else to lose: if I take part in all opposition protests, I won't lose a job, anyway".

Viera often said she was feeling some unknown people watch her – secret services, apparently. Being an activist of the anti-Lukashenka resistance, she never looked for easy solutions to her problems. At the beginning of the 1990s Viera Maksimawna was a member of the tractor plant strike committee. However, there was something else that earned her fame. In the autumn of 1999 Viera Tsierliukievitch sued the infamous TV host A. Zimowski and Bieltelieradiyokampaniya (Belarusian TV and Radio Company) for moral damages worth 3 billion Belarusian roubles. The reason of the suit was the 17 October programme "Resonance" during which Zimowski used a number of insulting expressions while speaking about the "Freedom March - 1" participants. There were also a number of insults concerning Viera Tsierliukievitch personally. In particular, the expression "trained scoundrels" accompanied the frames featuring an elderly woman in a park looking round herself in confusion. The court considered the suit only in February 2000. The judge of the Partyzanski District Court of Miensk ordered a language expertise to be carried out. The expertise was to decide whether the expression used by Zimowski were rude and insulting. The experts took half a year to squeeze a refusal: the "Resonance" expressions were recognised to be evaluative rather than insulting. That was the expected outcome of the suit; Viera herself said she had no great illusions about the Belarusian court. Even the video cassette with the 17 October programme that Zimowski had given the court had the same text but a completely different footage – for example, it did not feature Viera Tsierliukievitch in the park. The cassette had evidently been re-edited... But after the "Freedom March - 1" Viera Tsierliukievitch was taken off the waiting list for a flat (she once fell off a crane so she was on that list as a handicapped person). The plant denied her the legal material help. "Go and ask the People's Front for a flat, let them include you on the veterans' committee!" – that was what they told her at the plant.



Viera TSIERLIUKIEVITCH. Photo "RF"

Viera Maksimawna once said that the Communist regime deprived her of the smaller motherland and the revanchist regime of Lukashenka wants to sell the greater motherland – wants to deprive Belarus of the independence. The smaller motherland of Viera Tsierliukievitch was the village Vysoki Borak of the Krasnopolski District, Mahiliow Region. This village as several dozens of other Belarusian settlements was buried under the ground. Now nobody lives there, only on Radawnitsa (Ancestors' Day) the former inhabitants go there and visit the cemetery. Viera also went there every year...

It's not an ordinary person who passed away. I think that this brilliant woman was a living symbol of Belarus. The Belarus that will remain in the history of the XX century.

Tatsiana SNITKO.

We Strive for Changes!

(continued from p.1)

The independent periodicals suffered a number of problems which further deteriorated their position: the re-registration terms got stricter. At the end of the year the authorities virtually deprived most of the independent periodicals of the company which had published them: the equipment of the printer "Magic" was seized. Thus, the observers and the journalists' understanding of the ongoing events is that the authorities have already started the preparation for the presidential election this year.

So, the year 2001 may have a decisive impact on the near future of the Belarus. The united opposition has not decided yet who to rally behind as the only democratic candidate for the presidential election. It isn't in question going to the polls, since the destiny of the country is at stake. The Belarusian people is sick and tired of the dictatorship, the Belarusian people strives for changes. As other European nations, we want to live in a free, democratic and independent state. And this year history gives us another chance to prove that.

Andrei NALIVA.

THIS DANGEROUS WORD - "FREEDOM"

LURES BELARUSIAN SENIOR SCHOOL STUDENTS INTO THE OPPOSITION MOVEMENT

It's a must fighting juvenile delinquency. By any possible means. Involving family, school and juvenile committees. The expedience of this struggle is not doubted. Alcoholism, thefts and robberies are, unfortunately, wide-spread among the young. It's time we gave the plight a high profile. Though, this time we are going to discuss some other issues. Not the juvenile crime rates (God forbid!) but juvenile freethinking. To be more precise, the right to the freedom of convictions and the right to practise them freely. These rights are protected by Art. 19 of the Universal Human Rights Declaration. We mean the freedom to unrestrictedly practise one's convictions, the freedom to seek out, obtain and spread information and the preferred ideas by any means…



Several years ago I saw a lot of people crowding in the queue at one of the rooms in the Maskowski District Executive Committee of Miensk. "What's the queue?" "The juvenile committee sitting!" was the indignant reply of one the women. I stopped, because the door flung open to push a blushing boy into the crowd of the waiting parents and teachers. "So, what's the punishment?" asked a woman, the mother, probably. "Nothing – only a warning. I was only involved in a fight and cut some lessons. That's not the sin! And now the guys over there, - the boy said nodding towards the open door, - will deal with a political one. He's gonna to have the hell of a time!"

We did not take much time thinking what kind of "political involvement" was meant. A woman's scream coming out from the official's room explained everything:

— You scoundrel! Who gave you this flag?! How much did they pay you?! You've got no respect for the authorities, we'll kick you out of school!

I would not have decided to write the article if I had not been sure that this problem was one of the most topical for our society. The would-be Belarusian elite is beginning its life from the struggle and the humiliation. Officials have a nice understanding that opposition families can only bring up opposition children – this is the dialectics of the Belarusian prolonged confrontation with the totalitarianism. The state indifferent to the national symbols keeps prosecuting and humiliating both the opposition adults and their children. As a result, our children mature earlier. Everyone recollects the pickets held by the State National Humanitarian College students a few years ago. They protested against the impudent interference of the officials into the internal affairs of their college. They won. These days the college is up and running and celebrating the 10 year anniversary! And another example: most of 112 detained during the October protest of the young "We want changes" were minors, school students.

What is school doing to solve the "problem"?!

The school we have nowadays is, as previously, Soviet, indifferent and amorphous, following the orders of the education authorities and Lukashenka and doing everything to make sure that no opposition leaders or other black sheep survive till the brighter and cloudless tomorrow. The scenario they follow is very Stalinist-like. The punitive measures of fighting juvenile delinquency (fines, registration of minor offenders, transference to a specialised school) are applied against both young alcoholics, juvenile thieves and those who are opposed to the regime.

Whatever school administrations do to implement the directives "from above", the number of students opposed to the regime has dramatically increased over the past few years. It's not a secret that during any large-scale opposition protest, which usually takes place on weekends, schools all over Belarus work almost round the hour – students are nearly forced to attend discos and parties. The goal is an understandable one – to use whatever method is there to distract children's attention from harmful influence of the "public enemies", from the marches, strikes and pickets. I wonder whether all these things go together with the obligatory human rights lecturing which is part of the school syllabus. School teachers say that the Declaration is studied almost nominally. The hours allocated by the syllabus for these lessons are written down in the register but are not taught!..

I am told: the confrontation with the authorities is not a matter of concern for children, and children had better think of their duties rather than their rights. Naturally, every citizen, even a teenager, has some duties to the community that they must honour. But the community must in its turn guarantee free and unrestricted development of a person. The same is said in the Universal Declaration of Human Rights: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." (Art. 29). Do you see that's the talk about the democratic community? And that means: not about me or you…

Some could not care less. Some have grown used to the slave yoke and the silent long-sufferance. And some who have a liberated conscience, a conscience unscathed by the Soviet, and all the more so by the Lukashenka ideology want justice (which is a normal feature of a normal person!) and naturally voice their protest. That's the reason why Belarusian students often end up political prisoners of the regime. Charges of the anti-Lukashenka activity do not take much time to be cooked up. In accordance with the best Stalinist traditions, the old scenario and the contemporary slogan: "If a child is not a member of the pro-Lukashenka youth organisation, he is against… us"

… A ninth-form Miensk student, 14, spent the evening before one of the "Freedom Marches" gluing on the posts fly-sheets inviting to take part in a peaceful gathering allowed by the Universal Declaration of Human Rights and forbidden by Lukashenka. He was detained and battered by policemen. At the station he refused to sign the police report in the absence of his parents. He would have got another blow by a truncheon if he had not threatened the policeman to go and have the bruises registered at a policlinic.

— Still, you've only got one way out, - persisted the policeman, - Either you say you were doing this for money, like never had enough money to buy ice-cream, or you'll never finish school…

True, neither the free-thinking teenager nor his parents had any other way out. That was what the student said explaining his "illegal" actions at the infamous juvenile committee hearing. The parents were fined. And the officials got another "eloquent proof" of the West sponsoring the opposition…

By the way, at the BPF headquarters this student is as frequent a guest as ever before. He takes part in all opposition-led protests. He says:

— I have never been paid any money by anyone. The police forced me into making a "compromising" deal. I do not think that was betrayal – I have to finish school… And as before I will be struggling for my and my parents' freedom!

How come that a senior school student has such a convinced and conscientious life creed? The reason is that he, unlike some adults and other grown-ups reared in the Soviet spirit, wants to live in a normal country. May God give him endurance, greater willpower and persistence!

Alies HARKUN.

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Address: 220013, Minsk, p/b 49. E-mail:viasna@spring96.org www. spring96.org

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